

PROB 12B
(7/93)

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 16 2014

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: David Afterbuffalo

Case Number: 2:12CR00074-WFN-1

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 3, 2013

Type of Supervision: Supervised Release

Original Offense: Failure to Register, 18 U.S.C. §
2250(a)

Date Supervision Commenced: November 22, 2013

Original Sentence: Prison - 366 Days
TSR - 60 Months

Date Supervision Expires: November 21, 2018

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 25 You shall participate in the location monitoring program in order to verify compliance with any court-imposed condition of supervision for a period of 60 days. You shall pay all or part of the costs of the program based upon your ability to pay. You shall remain at your residence daily from 11 p.m. to 6 a.m., unless pre-approved by the U.S. Probation Officer.

CAUSE

Mr. Afterbuffalo was released from the Spokane Residential Reentry Center (SRRC) on July 11, 2014. Since his release from the SRRC, Mr. Afterbuffalo has claimed to be homeless. He reported he would occasionally stay with friends or family, but stated he primarily slept behind bushes of his employer's business, the American Indian Community Center (AICC).

On October 9, 2014, Mr. Afterbuffalo agreed to meet at the AICC to show this officer where he had been reportedly sleeping in the bushes near his place of employment. Upon inspection, there was no indication that anyone slept in that area. This officer confronted Mr. Afterbuffalo about where he has been residing. Mr. Afterbuffalo confirmed he has primarily been staying at the homes of two separate friends located in the south hill area of Spokane, Washington. Mr. Afterbuffalo acknowledged these friends use methamphetamine, and he did not want law enforcement in their homes. In addition, Mr. Afterbuffalo has only slept outside approximately two times since his release from the SRRC in July 2014. On October 15, 2014, Mr. Afterbuffalo advised he is actively searching for an appropriate residence, but has chosen not to provide the addresses of the primary homes where he has been residing.

Prob 12B

Re: Afterbuffalo, David

October 16, 2014

Page 2

Based on Mr. Afterbuffalo's unwillingness to provide the addresses of where he has been residing, this officer respectfully recommends conditions of supervised release be modified to include electronic monitoring. Utilizing global positioning satellite (GPS) equipment would provide this officer the ability to determine Mr. Afterbuffalo's whereabouts.


Respectfully submitted,

by s/Erik Carlson

Erik Carlson
U.S. Probation Officer
Date: October 16, 2014

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

10/16/14

Date